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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,912	01/14/2002	Koichiro Utsumi	1163-0386P	9896
2292	7590	02/04/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 02/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

10/030,912

Applicant(s)

UTSUMI ET AL.

Examiner

Dalena Tran

Art Unit

3661

-- The MAILING DATE of this communicati n appears n the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 11/3/03. Claims 4-10 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7, are rejected under 35 U.S.C.103(a) as being unpatentable over Nomura (5,371,678) in view of Desai et al. (5,862,509), and Kato et al. (6,101,443).

As per claim 4, Nomura discloses a navigation device comprising: a storage means for storing map data containing road time restriction information (see column 4, lines 30 to column 5, line 19), a route searching means for searching a route to a destination referring to the map data stored in the storage means (see column 2, line 36 to column 3, line 8; and column 6, lines 43-53), and a display means for displaying the route searched by the route searching means (see column 5, line 54 to column 6, line 3; and column 6, lines 54-55). Nomura does not disclose output the optimal route with time restriction. However, Desai et al. disclose when a road with time restriction is present in an optimal route to the destination, the route searching outputs the optimal route to the display (see the abstract; column 2, lines 24-41; and column 5, lines 10-65). Nomura does not disclose searches a route by-passing the road with time restriction. However, Kato et al. disclose searches a route by-passing the road with time restriction and outputs the

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route by-passing the road with time restriction to the display (see column 15, line 51 to column 16, line 39; column 18, lines 52-58; and column 20, line 54 to column 21, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nomura by combining when a road with time restriction is present in an optimal route to the destination, the route searching outputs the optimal route to the display, and at the same time searches a route by-passing the road with time restriction and outputs the route by-passing the road with time restriction to the display enable a driver to select the best optimal route that is less time and results in a minimum total vehicle travel cost to the destination.

As per claim 5, Nomura discloses displays each route separately when a plurality of routes are output from the route searching (see column 10, lines 8-68).

As per claim 6, Desai et al. disclose selects a route to be actually traveled when a plurality of routes are output from the route searching (see column 7, lines 50-60; and column 8, lines 18-31).

As per claim 7, Nomura does not disclose displays details of the time restriction before a user reaches a branching point of the road. However, Desai et al. disclose displays details of the time restriction before a user reaches a branching point of the road with time restriction and the by-pass road (see column 8, lines 40-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nomura by combining displays details of the time restriction before a user reaches a branching point of the road with time restriction and the by-pass road for the driver can make appropriate decision whether to enter the road with time restriction or to use another by-pass road that is less time and minimum cost of travel to the destination.

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6. Claim 8, is rejected under 35 U.S.C.103(a) as being unpatentable over Nomura (5,371,678) in view of Shishido (5,842,146).

As per claim 8, Nomura discloses a navigation device comprising: a storage means for storing map data containing road time restriction information (see column 4, lines 30 to column 5, line 19), a route searching means for searching a route to a destination referring to the map data stored in the storage means (see column 2, line 36 to column 3, line 8; and column 6, lines 43-53), and a display means for displaying the route searched by the route searching means (see column 5, line 54 to column 6, line 3; and column 6, lines 54-55). Nomura does not disclose displays details of the time restriction. However, Shishido discloses a display means for displaying the route searched by the route searching means, wherein the display displays details of the time restriction when a road with time restrictions is present in the route searched (see column 4, lines 23-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nomura by combining displays details of the time restriction for a driver planning to decide an optimal route that avoids roads that are restrict for traveling during a specific period.

7. Claims 9-10, are rejected under 35 U.S.C.103(a) as being unpatentable over Nomura (5,371,678), and Shishido (5,842,146) as applied to claim 8 above, and further in view of Kato et al. (6,101,443).

As per claim 9, Nomura does not disclose setting whether or not to avoid traveling on the road with time restriction. However, Kato et al. disclose setting is provided which sets whether or not to avoid traveling on the road with time restriction (see column 2, lines 38-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the teach of Nomura by combining setting whether or not to avoid traveling on the road with time restriction for an optimum route leading to a destination.

Also, as per claim 10, Kato et al. discloses a setting is performed in order to avoid traveling on the road with time restriction, the route searching re-searches a route by-passing the road with time restriction (see column 4, line 34 to column 5, line 3; and column 6, line 66 to column 7, line 39).

### Remarks

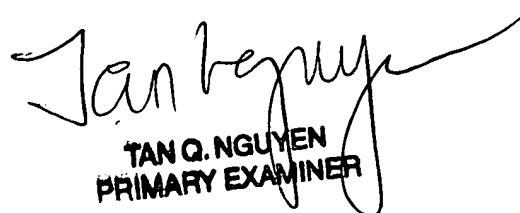
8. Applicant's argument filed on 11/3/03 has been fully considered and they are deemed to be persuasive. However, upon updated search, the new ground of rejection has been set forth as above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt  
January 23, 2004

  
TAN Q. NGUYEN  
PRIMARY EXAMINER